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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,188	11/14/2001	Jennifer Q. Trelewicz	BLD920010020US1	7008

7590 10/31/2006

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EXAMINER

ROGERS, SCOTT A

ART UNIT PAPER NUMBER

2625

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,188

Applicant(s)

TRELEWICZ, JENNIFER Q.

Examiner

Scott A. Rogers

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-11 and 19-27) in the reply filed on 14 August 2006 is acknowledged. The traversal is on the ground(s) that a separate search is not required, there is no showing of independent use, and that in order to use the invention of Group 2, the procedure and structure of the invention of Group 1 would have to be substantially followed and used, and visa versa. Based on this argument and admission, the restriction requirement is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 1-14, 19-23, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon (US 6624761 B2) and well-known prior art.

Referring to claims 1 and 19:

Fallon discloses an apparatus, and its method of operation, for lossless compression of bi-tonal raster data, the apparatus comprising: a data channel configured to carry a raster data stream (input data buffer 20), a pattern detection module 1300 operably connected to the data channel and configured to receive raster

data, the pattern detection module configured to detect a separate type of pattern in the raster data, each pattern capable of a separate lossless representation, and a formatting module 1350 configured to place the lossless representations into a compressed data stream. See col. 16, lines 17-39.

While Fallon does not disclose a plurality of pattern detection modules per se, including an edge pattern detection module, such modules are well known in the prior art. It would have been obvious to one of ordinary skill in the art to have modified Fallon with a plurality of these pattern detection modules, replacing the single pattern detection module 1300, in order to increase device modularity. Having separate pattern detection modules permits more flexibility in module selection, cost, performance, and replacement.

Referring to claims 2 and 23:

Fallon further comprises the pattern selection module configured to select the lossless representation that is most compact. See col. 18, line 59 to col. 19, line 24.

Referring to claim 3:

Fallon further comprises a module 1340 configured to receive raster data and provide verbatim raster data (null data), the verbatim raster data being an identical and lossless representation of the raster data. See col. 19 line 61 to col. 20, line 8.

Referring to claim 20:

In Fallon, detecting a plurality of patterns and generating the lossless representations are conducted in a single pass, not multiple passes. This is why the encoders for the different patterns of raster data are provided in parallel.

Referring to claims 4-5 and 21-22:

The well-known plurality of pattern detection modules referred to above include a solid pattern detection module and a half-tone pattern detection module.

Referring to claims 12-14 and 28-31:

These are the corresponding claims directed to the apparatus and method for decompressing losslessly compressed bi-tonal raster data, which Fallon addresses in Figures 11-12. In any event, the claimed decoding procedure and structure would have to be substantially followed and used as already argued by applicant.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over corresponding claims 1-13 of U.S. Patent No. 7,085,020 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because the application claims are broader than the patent claims and are therefore anticipated by the patent claims.

Claim Objections

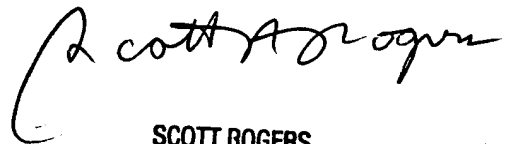
Claim 5 is objected to because of the claim is repeated once with the same claim number. Appropriate correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Moore can be reached at 571-272-7437.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO contact Center phone numbers are 800-PTO-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SCOTT ROGERS
PRIMARY EXAMINER

29 October 2006